REMARKS

Reconsideration of this application is respectfully requested.

As requested, the specification has been amended so as to insert the suitable headings.

The changes to the specification requested at pages 3-4 of the Office Action have also been effected by the above amendment.

A more descriptive title has now been effected by the above amendment as well.

Accordingly, all outstanding formal issues are now believed to have been resolved in the Applicants favor.

The rejection of claims 1, 4 and 5 under 35 U.S.C. §102 as allegedly anticipated by Civanlar et al '606 is respectfully traversed--as is the rejection of claims 2, 3, 6 and 7 under 35 U.S.C. §103 based on the same single Civanlar reference.

A significant difficulty in comparing the Civanlar document with Applicant's claimed invention is that it was written quite some time ago and therefore it was somewhat speculative about how the Internet might develop. For example, it suggests at column 1, lined 31-36 that he Internet of the future may provide various functionalities such as guaranteed Quality Of Service (QOS) which were not available in the Internet at the time of Civanlar's filing (and still are not today), and hints that a general adoption of ATM infrastructure might bring this about; and it implies that its teaching would become defunct at such time.

In fact, ATM infrastructure has now largely been adopted but the Internet is still largely run on a best efforts basis, with traffic being carried over an Internet Protocol (IP) network in which individual links are provided by ATM connections. Every time traffic is routed by an IP router, the data is taken out of the ATM layer and there is delay and risk of causing jitter and loss of packets, etc. This was realized early on by members of the Internet Engineering Task

Force (IETF) and consequently a number of proposals were made to suggest ways in which

tunnels through the IP network could be made to prevent cells for certain data flows (e.g., video,

where QOS is a desirable feature) from being taken out of the ATM layer where the route

permits this (i.e. within a single connected ATM domain). As an example, see IETF's RFC's

2098 and 2333.

Applicant's invention builds upon such proposals but notes that all of these proposals, to

the best of the applicant's knowledge, assume that such cut-throughs will be set up automatically

by the network in a manner transparent to the user in order to improve the efficiency of the

network.

This arrangement of having the Network perform the cut-through automatically,

however, makes it difficult for the network to limit use of these mechanisms to those traffic

flows where it will be of greatest utility, thus risking a "tragedy of the commons" type situation

where the benefits of the cut-throughs are reduced because of overuse of these mechanisms by

traffic flows where not much utility is in fact derived from features such as QOS. The solution

proposed by the present invention is to inhibit the network from setting up such cut-throughs

unless a user specifically requests it. With such an arrangement the network operator will easily

be able to charge for such cut-throughs to be made, and at a rate which ensures that only those

traffic flows where the user will obtain an actual utility will use the cut-throughs, thus preventing

a "tragedy of the commons" scenario.

Superficially, this may seem similar to the situation in Civanlar, but this is merely

because in Civanlar it is assumed that the network has no capability of doing a cut-through, but

rather that totally separate networks are used, one being a pure IP network and the other being a

pure connection oriented network, and therefore to set-up a connection the user needs to initiate

the setting up of an appropriate connection via the completely separate connection-oriented network. Therefore, in Civanlar there are two separate networks and neither of these ever changes its modus operandi.

By contrast in the present invention as claimed, there is only a single network which changes from operating according to a packet based on routing method to operating according to a circuit switched method, but only if specifically requested to do so by the user.

For at least these reasons, the presently claimed invention is patentably distinct from Civanlar and all other prior art documents of which the applicant is aware.
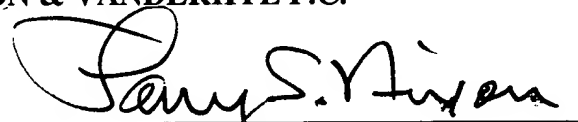
Attention is also directed to new claim 8 which is a more specific version of dependent claim 7.

Accordingly, this entire application is now believed to be in allowable condition and a formal notice to that effect is respectfully solicited.

Respectfully submitted,

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